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human life would surely seem to be sufficient necessity, and in the analogous case of trespass to personalty it has been so held.¹³ The admiralty doctrine of jettison seems based on this ground.¹⁴ And the old books say that a man fleeing from attack may cross another's close with impunity.¹⁵ A recent decision raises this question, it is believed, for the first time in this country. While sailing with his family the plaintiff was forced by a storm to moor to the defendant's dock to save his boat and the people in it from destruction. The defendant cast off the boat, with the result that it was wrecked and the plaintiff injured. The court, in overruling the defendant's demurrer, held that the plaintiff's trespass was excused by its necessity. *Ploof v. Putnam*, 71 Atl. 188 (Vt.), Stress of weather has been held sufficient necessity to justify a breach of the Embargo Act.¹⁶ The decision therefore seems correct and in accord with authority. Whether, though the entry is excusable, an action at the suit of the landowner will lie for any damage done is a point upon which there is as yet no authority.¹⁷

Actions Under Foreign Statutes.—The New Jersey statute provides that where a bond and mortgage are given for the same debt, an action may be brought on the bond within six months after foreclosure for any deficiency, and judgment for the creditor shall open the foreclosure entitling the mortgagor to sue within six months to redeem. Parties to a bond and mortgage on real property in New Jersey were residents of that state. The assignee of the bond brought an action in New York to recover an amount remaining due thereon. The court characterized this as an action to enforce a common-law obligation, transitory, and maintainable outside the state where the contract was made. The provisions of the New Jersey statute, however, were a part of the contract, and regulated the manner of performance. It was claimed that to allow a recovery on the bond would work injustice because the defendant would be compelled to pay the deficiency arising on the mortgage sale, and would be deprived of the right to redeem the mortgaged property. The New York Court of Appeals in *Hutchinson v. Ward*, 85 Northeastern Reporter, 390, concluded that such a recovery would open the foreclosure sale permitting the judgment debtor to redeem the property, and held that such a suit was maintainable in New York.

13. *Mouse's Case*, 12 Rep. 63. See *Respublica v. Sparhawk*, *supra*.

14. See *Abbott, Shipping*, 14 ed., 753-757; *Price v. Hartshorn*, 44 N. Y. 94.

15. 6 Bacon Abr., Trespass, 674, But *cf.* *Gilbert v. Stone*, Aley 35.

16. *The Brig William Gray*, 1 Paine 16.

17. See 3 HARV. L. REV. 189, 204; *Terry, Principles of Anglo-American Law*, § 425.